

Testimony of

American Property Casualty Insurance Association (APCIA)

Senate Judicial Proceedings Committee

Senate Bill 397 - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

February 4, 2025

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 68% of the U.S. property-casualty insurance market. The bill would provide an exception for drivers over the age of 21 years of age who have been licensed to operate a motorcycle for at least 2 years and completed certain motorcycle safety courses not to wear a helmet **OR** their passenger who is at least 21 years old. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 397.

Compared with cars, motorcycles are an especially dangerous form of travel. Motorcycles are capable of very rapid acceleration and high-top speeds. They are less stable than cars in emergency braking and less visible to other motorists. Motorcyclists do not have the protection of a vehicle structure around them, leaving riders vulnerable to contact with hard road surfaces, other vehicles, and fixed objects such as trees. This is why wearing a helmet, as well as other protective clothing, is so important.

A total of 6,222 motorcyclists were killed in crashes in 2022, nearly triple the number in 1997 and 23% higher than in 2019. This is the highest number of motorcyclist crash deaths in a single year since the National Highway Traffic Safety Administration (NHTSA) began collecting fatal motor vehicle crash data in 1975.¹

Motorcyclists accounted for 15% of all crash deaths in 2022. However, per mile traveled, the number of deaths on motorcycles in the U.S. was nearly 29 times the number in passenger vehicles.

Helmets are proven to decrease the severity of head injuries, the likelihood of death and the cost of medical care. Helmets are highly effective in preventing brain injuries, which often require extensive treatment and may result in lifelong disability. NHTSA estimates that in the event of a crash, un-helmeted motorcyclists are 3 times more likely than helmeted riders to suffer traumatic brain injuries, and that motorcycle helmets reduce the likelihood of a crash fatality by 37 -42 percent.² Norvell and Cummings found a 39 percent reduction in the risk of death after adjusting for the effects of rider age, gender, and seat position³. A literature review estimated that helmets reduce the risk of death in a crash by 42 percent and the risk of head injuries by 69 percent.⁴

Helmet Laws Change Behaviors

In 2023, 94 percent of motorcyclists observed in states with universal helmet laws were wearing helmets. In states without such laws, helmet use was 72 percent⁵. The use of helmets judged to be compliant with federal safety

¹ Insurance Institute of Highway Safety, <https://www.iihs.org/topics/motorcycles#do-helmets-work>

² Id.

³ Id.

⁴ Id.

⁵ Id.

regulations was 83 percent among motorcyclists in states with universal helmet laws and 60 percent in states without such laws.

In a national telephone survey of motorcyclists, 22 percent of those who said they believe helmets keep riders safer reported not always wearing helmets while riding ⁶. However, only 6 percent of motorcyclists in states with universal laws reported not always wearing helmets, suggesting that education alone would not be as beneficial in increasing helmet use as a universal helmet law.

The Public Supports Helmet Laws

According to a 2000 national telephone survey, 81 percent of respondents reported that they favored mandatory helmet use laws for motorcyclists. Support was more prevalent among females (88 percent) than males (72 percent) and among non-motorcyclists (83 percent) than those who drove motorcycles (51 percent). Support was higher in states requiring all riders to wear helmets (84 percent) compared with states with lesser requirements (75 percent) or no requirements (79 percent). ⁷

In an Institute survey of motorcyclists conducted in 2009, 45 percent said they favor universal helmet laws.⁸ Those who favor universal laws were more likely to report that they believe helmets keep riders safer than those who do not favor universal helmet laws (87 percent vs. 65 percent). Among motorcyclists who reported not always wearing helmets while riding, 57 percent said that a helmet law would encourage full-time helmet use.

Helmet Laws Reduce Deaths, Injuries and Medical Costs

In states that either reinstated or enacted universal motorcycle helmet laws, deaths and injuries of motorcyclists decreased. In states that repealed or weakened their universal helmet laws, deaths and injuries typically rose.⁹

Un-helmeted riders have higher health care costs as a result of their crash injuries, and many lack health insurance. A 2002 review of 25 studies of the costs of injuries from motorcycle crashes reported that helmet use reduced the cost of medical treatment, length of hospital stay and probability of long-term disability for riders injured in a crash. ¹⁰ Studies that looked at who pays for injured riders' medical care found that just over half of injured riders have private health insurance coverage. For those without private insurance, most of the medical costs are paid by the government. A more recent study confirmed the earlier findings that un-helmeted riders had much higher hospital charges than helmeted ones. ¹¹

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 397.

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⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*